

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**FREEDOM FROM RELIGION  
FOUNDATION, INC.**  
Plaintiff,

-vs-

**GOVERNOR GREG ABBOTT, in his  
official and individual capacities, and  
ROD WELSH, Executive Director of the  
Texas State Preservation Board, in his  
official and individual capacities,  
Defendants.**

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**CASE NO. 1:16-CV-00233-SS**

**DECLARATION OF DANIEL H. BYRNE**

1. My name is Daniel H. Byrne. I have personal knowledge of all the facts herein, and they are all true and correct. This declaration is submitted in connection with Plaintiff's Motion for Attorney's Fees (the "Motion") filed in the above-styled litigation, seeking recovery of fees from Defendants Greg Abbott and Rod Welsh (the "Defendants").

2. I am an attorney duly licensed to practice law in the State of Texas and have been continuously since 1983. I am a senior partner with the law firm Fritz Byrne, PLLC, f/k/a Fritz, Byrne, Head & Gilstrap, PLLC ("FB"), which represents Plaintiff Freedom From Religion Foundation, Inc. ("FFRF") in this case. A large portion of my practice has been devoted to litigation of matters such as this in state and federal court.

**A. TIME AND LABOR REQUIRED**

3. Through February 28, 2023, FB's attorneys and paralegals spent approximately 55.7 hours performing necessary legal services for FFRF to prosecute its freedom of speech claims under the First Amendment (the "Free Speech Claims") in this lawsuit, for a total cost of legal services valued at \$23,576.00 measured by the lodestar method: hours spent at standard hourly



rates. I estimate that another three hours of my time and two hours of legal assistant time will need to be expended to support lead counsel for FFRF through entry of judgment, for an additional \$2,250 at standard hourly rates, bringing the total charges to \$25,826.00.

4. These fees incurred prosecuting the Free Speech Claims were inextricably intertwined with the remainder of FFRF's claims against the Defendants in that they arose from the same facts (the censorship of FFRF's Bill of Rights exhibit) and were based on related legal theories (the Defendants' discrimination against FFRF's nontheistic viewpoint).

5. The FB fees sought in the Motion are shown in the summary and detailed invoices (with privileged matters redacted) attached hereto as **Exhibits A-1 and A-2**. As reflected therein, these services included researching and analyzing the legal bases for claims asserted by FFRF; drafting, reviewing and revising pleadings, motions and responses; attending hearings; participating in client and attorney meetings regarding strategy and implications of claims asserted; conducting discovery; research; and preparing the request for fees with which this declaration is being submitted. Care was taken to avoid duplication of efforts with lead counsel, and in our role as local counsel to perform services in a manner which minimized the overall cost to the client for its legal services.

**B. NOVELTY AND DIFFICULTY OF THE QUESTIONS PRESENTED/SKILL REQUIRED TO PROPERLY PERFORM LEGAL SERVICES.**

6. The legal questions presented related to FFRF's claims are not particularly novel for attorneys with experience in this area, and they were of moderate difficulty. However, the complexity of the case and level of effort necessary to prosecute FFRF's claims was increased by the multiplicity of defenses and dispositive motions pursued by the Defendants. A moderate degree of skill was required, and the requisite skill is reflected in the reasonable billing rates charged by FB's attorneys and paralegals.

**C. PRECLUSION OF OTHER EMPLOYMENT**

7. FB's attorneys were not precluded from taking on additional cases due to the pendency of this litigation.

**D. THE CUSTOMARY FEE**

8. I am familiar with rates charged by attorneys in the Western District of Texas for matters such as this. My billing rate is currently \$650 per hour, and that rate has increased from the \$525 hourly rate that I charged at the inception of this action in 2016. In addition to me, the firm personnel who have primarily provided legal services on this case include my partner, Lessie Gilstrap, whose billing rate was \$425 per hour, and my partner Dale L. Roberts whose billing rate for this case was \$335 per hour. *See Exh. A-2*. In my opinion, these rates and all the rates charged to FFRF by FB and by the other attorneys who rendered legal services on behalf of FFRF submitted herewith (which are in the same range as those rates charged by FB's attorneys) are reasonable for the services rendered in this matter as compared with fees customarily charged in the Western District of Texas for similar legal services, taking into account the reputation, experience, and skills of the professionals involved.

**E. WHETHER THE FEE IS FIXED OR CONTINGENT**

9. The fee arrangement between FB and FFRF is an hourly fee arrangement.

**F. TIME LIMITATIONS IMPOSED BY THE CLIENT**

10. The client imposed no particularly difficult time limitations in this case.

**G. AMOUNT INVOLVED AND RESULTS OBTAINED**

11. FFRF sought and obtained summary judgment against Defendants on its First Amendment Freedom of Speech claim against Governor Abbott and Executive Director Walsh in their official capacities as well as a declaratory judgment that Defendants violated FFRF's First

Amendment rights and engagement in viewpoint discrimination as a matter of law when FFRF's Bill of Rights exhibit was removed from the Texas Capitol Building. In my opinion, the tasks described on **Exhibit A-2** were all reasonable and necessary to obtain that relief.

**H. EXPERTISE, REPUTATION AND ABILITY OF ATTORNEYS**

12. I have over 30 years of experience litigating matters similar to this in state and federal courts. My law partners each have over 20 years of state and federal court experience. We all have reputations in the Austin legal community as highly competent litigators.

**I. UNDESIRABILITY OF THE CASE**

13. This factor is inapplicable as there were no particular considerations rendering this case undesirable.

**J. NATURE AND LENGTH OF THE PROFESSIONAL RELATIONSHIP WITH THE CLIENT**

14. FFRF has been a client of FB since 2016 when it sought counsel in this case.

**K. APPLICATION OF THE LODESTAR METHOD**

15. The fees requested herein were calculated by multiplying the number of hours spent by each attorney or paralegal performing necessary legal services on behalf of FFRF by each person's standard billing rates, which in my opinion are reasonable in the Western District of Texas, Austin Division. It is my experience that attorneys in this legal community that perform similar work on similar cases have higher, and often significantly higher, billing rates. The requested fees would not have been incurred if it were not for the Defendants' violations of FFRF's Civil Rights.

16. In my opinion, taking into account the relevant factors identified by the Texas Supreme Court and the Fifth Circuit, an award of \$25,826.00 against the Defendants for FB's past

attorneys' fees would be equitable in the circumstances and represents a reasonable sum for the services provided (as described in the attached Exhibits).

I, Daniel H. Byrne, do hereby declare under penalty of perjury that the foregoing is true and correct.

SIGNED this 17<sup>th</sup> day of March, 2023.



Daniel H. Byrne

**EXHIBIT A-2****Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhf.com

March 15, 2016

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 106478 DHB  
 Our file# 062640 00001  
 Billing through 02/29/2016

Governor Greg Abbott

rbolton@boardmanclark.com

PROFESSIONAL SERVICES

02/17/16	LGF	Communications with Mr. Bolton;	0.20 hrs	70.00
02/19/16	DHB	Conference with LGF, investigation re: [REDACTED] prepare for and attend status and strategy call with Richard Bolton re: [REDACTED]	0.70 hrs	367.50
02/19/16	LGF	Call with Robert Bolton;	0.50 hrs	175.00
02/22/16	DHB	Initial review of draft complaint, discuss [REDACTED] with LGF;	0.50 hrs	262.50
02/22/16	LGF	Review draft petition;	0.30 hrs	105.00
02/23/16	DHB	Review, revise complaint, civil cover sheet, engagement letter; memo to co-counsel;	0.40 hrs	210.00
02/24/16	DHB	Review final draft of suit papers, pro hac vice motion, other materials; follow up memos;	0.30 hrs	157.50
02/24/16	LGF	Review proposed filings; communications with Mr. Bolton;	0.30 hrs	105.00
02/25/16	DHB	Review, revise, finalize, file complaint; follow up memos with co-counsel;	0.70 hrs	367.50
02/26/16	DHB	Various memos to counsel, third parties re: [REDACTED] memos re: [REDACTED]	0.40 hrs	210.00
				<hr/> \$2,030.00

FEE RECAP

Byrne, Dan	3.00 hrs	525.00 /hr	1,575.00
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Invoice# 106478 Page 2

Fitzpatrick, Lessie G.	1.30 hrs	350.00 /hr	455.00
TOTAL FEES FOR THIS MATTER			<u>\$2,030.00</u>

EXPENSES

02/29/2016	Fee paid to Direct Results Legal Service re: service of summons and complaint on Governor Gregg Abbott	145.50
		<u>\$145.50</u>

BILLING SUMMARY

Total professional services	\$2,030.00
Total expenses incurred	<u>\$145.50</u>
Total of new charges for this invoice	<u>\$2,175.50</u>
Total balance now due	<u><u>\$2,175.50</u></u>

Payment due upon receipt. EIN: 742531698  
Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhf.com

April 14, 2016

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 106672 DHB  
 Our file# 062640 00001  
 Billing through 03/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 15, 2016	\$2,175.50
Payments received since last invoice	2,175.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/01/16	DHB	Memo re: [REDACTED]	0.20 hrs	105.00
03/04/16	DHB	Various memos re: [REDACTED]	0.40 hrs	210.00
03/06/16	DHB	Memo to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$420.00</u>

FEE RECAP

Byrne, Dan	0.80 hrs	525.00 /hr	<u>420.00</u>
TOTAL FEES FOR THIS MATTER			\$420.00

EXPENSES

02/25/2016	Filing fee on 02/25/16 (USDC)	<u>400.00</u>
		\$400.00

BILLING SUMMARY

Total professional services	\$420.00
Total expenses incurred	\$400.00



062640 Freedom From Religion Foundati

Invoice# 106672 Page 2

Total of new charges for this invoice

\$820.00

**Total balance now due**

**\$820.00**

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhf.com

May 10, 2016

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 106842 DHB  
 Our file# 062640 00001  
 Billing through 04/30/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated April 14, 2016	\$820.00
Payments received since last invoice	820.00
Accounts receivable balance carried forward	<u>\$0.00</u>

**PROFESSIONAL SERVICES**

04/01/16	DHB	Initial review, transmittal of MTD;	0.30 hrs	157.50
04/02/16	DHB	Initial review and analysis of MTD;	0.20 hrs	105.00
04/04/16	DHB	Review MTD, memos to counsel re: [REDACTED]	0.40 hrs	210.00
04/04/16	LGF	Review motion to dismiss; correspondence with Richard Bolton regarding [REDACTED]	0.40 hrs	140.00
04/05/16	DHB	Memo to opposing counsel re: [REDACTED] revise, finalize motion to extend; conference with KMH:	0.70 hrs	367.50
04/05/16	KMH	Review federal rules and prepare motion and order for extension of time to respond to motion to dismiss;	1.80 hrs	270.00
04/05/16	KMH	Prepare motion for extension of time;	1.00 hrs	150.00
04/06/16	KMH	Assist with court filing;	0.40 hrs	60.00
04/08/16	LGF	Review order on motion for continuance and calendar new deadline;	0.20 hrs	70.00
04/25/16	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/26/16	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50

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Invoice# 106842 Page 2

04/26/16	LGF	Communications regarding [REDACTED] [REDACTED] draft motion for leave to amend;	0.70 hrs	245.00
04/27/16	DHB	Review motion, memos re: [REDACTED]	0.20 hrs	105.00
04/27/16	LGF	Communications regarding [REDACTED] [REDACTED]	0.20 hrs	70.00
04/28/16	DHB	Initial review of amended complaint, motion for leave;	0.30 hrs	157.50
04/29/16	DHB	Review, finalize, file amended complaint and notice for leave; memos to co-counsel;	0.60 hrs	315.00
				<u>\$2,685.00</u>

FEE RECAP

Byrne, Dan	3.20 hrs	525.00 /hr	1,680.00
Fitzpatrick, Lessie G.	1.50 hrs	350.00 /hr	525.00
Hand, Kathy M.	3.20 hrs	150.00 /hr	480.00
<b>TOTAL FEES FOR THIS MATTER</b>			<u><b>\$2,685.00</b></u>

BILLING SUMMARY

Total professional services	<u>\$2,685.00</u>
Total of new charges for this invoice	<u>\$2,685.00</u>
<b>Total balance now due</b>	<u><b>\$2,685.00</b></u>

Payment due upon receipt. EIN: 742531698  
Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhf.com

June 15, 2016

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 107087 DHB  
 Our file# 062640 00001  
 Billing through 05/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated May 10, 2016	\$2,685.00
Payments received since last invoice	2,685.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

05/10/16	DHB	Memo re: [REDACTED]	0.20 hrs	105.00
05/10/16	LGF	Review scheduling order; calendar deadlines;	0.20 hrs	70.00
05/13/16	DHB	Initial review of motion to dismiss;	0.20 hrs	105.00
05/13/16	LGF	Review First Amended Motion to Dismiss;	0.20 hrs	70.00
05/24/16	DHB	Memo to counsel re: [REDACTED]	0.20 hrs	105.00
05/27/16	DHB	Various memos re: [REDACTED]	0.40 hrs	210.00
05/27/16	LGF	Communications with Richard Bolton;	0.20 hrs	70.00
05/31/16	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50
05/31/16	LGF	Communications regarding [REDACTED]	0.20 hrs	70.00
				<u>\$962.50</u>

FEE RECAP

Byrne, Dan	1.30 hrs	525.00 /hr	682.50
Fitzpatrick, Lessie G.	0.80 hrs	350.00 /hr	280.00
TOTAL FEES FOR THIS MATTER			<u>\$962.50</u>

062640 Freedom From Religion Foundati

Invoice# 107224 Page 2

Fitzpatrick, Lessie G.	0.20 hrs	350.00 /hr	70.00
Roberts, Dale	2.20 hrs	335.00 /hr	737.00
TOTAL FEES FOR THIS MATTER			<u>\$1,752.00</u>

**BILLING SUMMARY**

Total professional services	<u>\$1,752.00</u>
Total of new charges for this invoice	<u>\$1,752.00</u>
Total balance now due	<u><b>\$1,752.00</b></u>

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960  
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 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhf.com

July 6, 2016

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 107224 DHB  
 Our file# 062640 00001  
 Billing through 06/30/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 15, 2016	\$962.50
Payments received since last invoice	962.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

06/13/16	DHB	Various memos re: [REDACTED]	0.50 hrs	262.50
06/14/16	DHB	Memo to Richard re: [REDACTED]	0.20 hrs	105.00
06/16/16	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
06/19/16	DHB	Conference with DLR re: [REDACTED]	0.20 hrs	105.00
06/20/16	DHB	Meeting with Richard Bolton re: [REDACTED]	0.50 hrs	262.50
		[REDACTED] conference with DLR re: [REDACTED] (.8);		
06/20/16	DLR	Review pleadings and motions. Conference with co-counsel regarding [REDACTED] Attend hearing on motion to dismiss. Email memo to L. Fitzpatrick regarding [REDACTED] (3.2).	2.20 hrs	737.00
06/20/16	LGF	Communications with DLR regarding [REDACTED]	0.20 hrs	70.00
06/21/16	DHB	Review dismissal order, follow up;	0.20 hrs	105.00
				<u>\$1,752.00</u>

FEE RECAP

Byrne, Dan	1.80 hrs	525.00 /hr	945.00
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**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
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 www.fbhg.law

January 18, 2017

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 108666 DHB  
 Our file# 062640 00001  
 Billing through 12/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated July 6, 2016	\$1,752.00
Payments received since last invoice	1,752.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

07/01/16	DHB	Initial review of outgoing discovery, memo to opposing counsel;	0.20 hrs	105.00
12/20/16	LCG	Review order on MSJs;	0.30 hrs	105.00
12/21/16	DHB	Review decision, memos to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$315.00</u>

FEE RECAP

Byrne, Dan	0.40 hrs	525.00 /hr	210.00
Gilstrap, Lessie C.	0.30 hrs	350.00 /hr	105.00
TOTAL FEES FOR THIS MATTER			<u>\$315.00</u>

BILLING SUMMARY

Total professional services	<u>\$315.00</u>
Total of new charges for this invoice	<u>\$315.00</u>
Total balance now due	<u>\$315.00</u>

Payment due upon receipt. EIN: 742531698

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
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February 15, 2017

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 108898 DHB  
 Our file# 062640 00001  
 Billing through 01/31/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated January 18, 2017	\$315.00
Payments received since last invoice	315.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

01/02/17	LCG	Review scheduling order and calendar deadlines;	0.20 hrs	70.00
01/03/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
01/03/17	LCG	Review scheduling order; confer re [REDACTED]	0.20 hrs	70.00
01/19/17	DHB	Various memos to counsel re: [REDACTED]	0.30 hrs	157.50
01/20/17	DHB	Telephone conferences with, memos to counsel re: [REDACTED]	0.20 hrs	105.00
01/25/17	DHB	Memos to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$612.50</u>

FEE RECAP

Byrne, Dan	0.90 hrs	525.00 /hr	472.50
Gilstrap, Lessie C.	0.40 hrs	350.00 /hr	140.00
TOTAL FEES FOR THIS MATTER			<u>\$612.50</u>

BILLING SUMMARY

Total professional services	\$612.50
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**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
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 Phone 512/476-2020 Fax 512/477-5267  
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March 14, 2017

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 109091 DHB  
 Our file# 062640 00001  
 Billing through 02/28/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated February 15, 2017	\$612.50
Payments received since last invoice	612.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

02/07/17	DHB	Telephone conferences, memos to co-counsel, opposing counsel re: [REDACTED]	0.30 hrs	157.50
02/15/17	DHB	Memo to opposing counsel re: [REDACTED]	0.20 hrs	105.00
02/17/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
02/26/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
02/27/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
				<u>\$577.50</u>

FEE RECAP

Byrne, Dan	1.10 hrs	525.00 /hr	<u>577.50</u>
TOTAL FEES FOR THIS MATTER			<u>\$577.50</u>

BILLING SUMMARY

Total professional services	<u>\$577.50</u>
Total of new charges for this invoice	<u>\$577.50</u>
Total balance now due	<u><u>\$577.50</u></u>

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

May 11, 2017

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 109605 DHB  
 Our file# 062640 00001  
 Billing through 04/30/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 14, 2017	\$577.50
Payments received since last invoice	577.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/27/17	DHB	Initial review and analysis of witness lists other filings, depo lists; investigation re: [REDACTED]	0.30 hrs	157.50
		[REDACTED] memo to counsel;		
04/10/17	DHB	Various memos re: [REDACTED]	0.50 hrs	262.50
		[REDACTED] review		
04/11/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/13/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/14/17	DHB	Various memos re: [REDACTED]	0.20 hrs	105.00
		[REDACTED]		
04/17/17	DHB	Initial review of motion for protective order;	0.20 hrs	105.00
04/20/17	DHB	Review MTQ, memo to Richard re: [REDACTED]	0.20 hrs	105.00
		[REDACTED]		
04/21/17	DHB	Review correspondence and filings re: [REDACTED]	0.20 hrs	105.00
		[REDACTED]		
04/24/17	CEB	Brief analysis of rule re: [REDACTED]	0.20 hrs	62.00
		conference with out of state counsel and D. Byrne re: [REDACTED]		
04/24/17	DHB	Meetings with Richard Bolton, opposing counsel re: [REDACTED]	2.30 hrs	1,207.50

062640 Freedom From Religion Foundati

Invoice# 109605 Page 3

Total of new charges for this invoice

\$4,923.00

**Total balance now due**

**\$4,923.00**

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

062640 Freedom From Religion Foundati

Invoice# 109811

Page 2

TOTAL FEES FOR THIS MATTER

\$1,207.50

BILLING SUMMARY

Total professional services	<u>\$1,207.50</u>
Total of new charges for this invoice	<u>\$1,207.50</u>
Plus net balance forward	<u>\$4,923.00</u>
<b>Total balance now due</b>	<b><u>\$6,130.50</u></b>

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

062640 Freedom From Religion Foundati

Invoice# 110247 Page 2

Include invoice number on your check for proper credit.

062640 Freedom From Religion Foundati

Invoice# 110891 Page 2

Total professional services	<u>\$682.50</u>
Total of new charges for this invoice	<u>\$682.50</u>
<b>Total balance now due</b>	<b><u>\$682.50</u></b>

Payment due upon receipt. EIN: 742531698  
Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

June 8, 2018

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 112394 DHB  
 Our file# 062640 00001  
 Billing through 05/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 13, 2018	\$105.00
Payments received since last invoice	105.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/14/18	DHB	Memos to Richard Bolton re: [REDACTED]	0.30 hrs	165.00
		[REDACTED] review motions to dismiss and for judgment;		
04/10/18	DHB	Review Sparks denial order, follow up with Richard Bolton;	0.20 hrs	110.00
05/08/18	DHB	Telephone conferences with Richard re: [REDACTED]	0.20 hrs	N/C
05/09/18	DHB	Telephone conferences, memos with Richard Bolton, Aura Madren re: [REDACTED]	0.30 hrs	165.00
				<u>\$440.00</u>

FEE RECAP

Byrne, Dan	0.80 hrs	550.00 /hr	440.00
TOTAL FEES FOR THIS MATTER			<u>\$440.00</u>

BILLING SUMMARY

Total professional services	<u>\$440.00</u>
Total of new charges for this invoice	\$440.00

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

July 6, 2018

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 112621 DHB  
 Our file# 062640 00001  
 Billing through 06/30/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 8, 2018	\$440.00
Payments received since last invoice	440.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

06/21/18	DHB	Memos re [REDACTED]	0.20 hrs	110.00
06/25/18	DHB	Conference with LCG re: [REDACTED]	0.30 hrs	165.00
06/26/18	LCG	Draft motion for attorney fees; research for same; communications regarding same;	3.70 hrs	1,461.50
06/27/18	LCG	Research issue o [REDACTED] memo to Richard Bolton regarding same;	2.20 hrs	869.00
06/29/18	LCG	Review fee affidavits;	0.30 hrs	118.50
				<u>\$2,724.00</u>

FEE RECAP

Byrne, Dan	0.50 hrs	550.00 /hr	275.00
Gilstrap, Lessie C.	6.20 hrs	395.00 /hr	2,449.00
TOTAL FEES FOR THIS MATTER			<u>\$2,724.00</u>

BILLING SUMMARY

Total professional services	\$2,724.00
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**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
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 Phone 512/476-2020 Fax 512/477-5267  
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August 14, 2018

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 112844 DHB  
 Our file# 062640 00001  
 Billing through 07/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated July 6, 2018	\$2,724.00
Payments received since last invoice	2,724.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

07/02/18	LCG	Draft [REDACTED] prepare [REDACTED] research for same; communications with Richard Bolton;	3.50 hrs	1,382.50
07/03/18	DHB	Revise, finalize [REDACTED]	0.40 hrs	220.00
07/03/18	LCG	Review, revise, finalize, and file [REDACTED] [REDACTED]	3.40 hrs	1,343.00
07/24/18	DHB	Review motion to stay;	0.20 hrs	N/C
				<u>\$2,945.50</u>

FEE RECAP

Byrne, Dan	0.40 hrs	550.00 /hr	220.00
Gilstrap, Lessie C.	6.90 hrs	395.00 /hr	2,725.50
TOTAL FEES FOR THIS MATTER			<u>\$2,945.50</u>

BILLING SUMMARY

Total professional services	\$2,945.50
Professional courtesy discount	<u>\$500.00 CR</u>
Total of new charges for this invoice	\$2,445.50

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

September 11, 2018

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 113075 DHB  
 Our file# 062640 00001  
 Billing through 08/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated August 14, 2018	\$2,445.50
Payments received since last invoice	0.00
Accounts receivable balance carried forward	<u>\$2,445.50</u>

PROFESSIONAL SERVICES

08/13/18 LCG	Review correspondence from court of appeals; communications with Richard Bolton;	0.20 hrs	79.00
			<u>\$79.00</u>

FEE RECAP

Gilstrap, Lessie C.	0.20 hrs	395.00 /hr	79.00
TOTAL FEES FOR THIS MATTER			<u>\$79.00</u>

BILLING SUMMARY

Total professional services	<u>\$79.00</u>
Total of new charges for this invoice	<u>\$79.00</u>
Plus net balance forward	<u>\$2,445.50</u>
<b>Total balance now due</b>	<b><u>\$2,524.50</u></b>

Payment due upon receipt. EIN: 742531698  
 Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

October 8, 2020

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 118241 DHB  
 Our file# 062640 00001  
 Billing through 09/30/2020

Governor Greg Abbott

rbolton@boardmanclark.com

**PROFESSIONAL SERVICES**

06/01/20	DHB	Initial review of 5th Circuit mandate; memo to Richard Bolton;	0.30 hrs	165.00
06/16/20	DHB	Review order, follow up memos and telephone conference with Richard;	0.20 hrs	110.00
07/02/20	DHB	Memos to team re: [REDACTED] review filings, order;	0.20 hrs	110.00
08/27/20	DHB	Review orders re: reassignment, follow up with Richard Bolton re: [REDACTED]	0.20 hrs	110.00
09/17/20	DHB	Memo to Richard Bolton re: [REDACTED]	0.20 hrs	N/C
09/18/20	DHB	Review order, attend status hearing (.3);	0.20 hrs	110.00
				<u>\$605.00</u>

**FEE RECAP**

Byrne, Dan H.	1.10 hrs	550.00 /hr	605.00
<b>TOTAL FEES FOR THIS MATTER</b>			<u><b>\$605.00</b></u>

**BILLING SUMMARY**

Total professional services	\$605.00
Professional courtesy discount	<u>\$200.00 CR</u>
Total of new charges for this invoice	<u>\$405.00</u>
<b>Total balance now due</b>	<u><b>\$405.00</b></u>

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
Austin, TX 78701  
Phone 512/476-2020 Fax 512/477-5267  
www.fbhg.law

May 5, 2021

Freedom From Religion Foundation  
c/o Richard L. Bolton  
Boardman & Clark, LLP  
1 S. Pinckney Street, Suite 410  
P.O. Box 927  
Madison, WI 53701-0927

Invoice# 119591 DHB  
Our file# 062640 00001  
Billing through 04/30/2021

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated	October 8, 2020	\$405.00
Payments received since last invoice		0.00
Accounts receivable balance carried forward		<u>\$405.00</u>

03/09/21	DHB	Review Yeakel order, initial review of [REDACTED]	0.20 hrs	N/C
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**BILLING SUMMARY**

Total of new charges for this invoice	<u>\$0.00</u>
Plus net balance forward	<u>\$405.00</u>
<b>Total balance now due</b>	<b><u>\$405.00</u></b>

Payment due upon receipt. EIN: 742531698  
Include invoice number on your check for proper credit.

**Fritz, Byrne, Head & Gilstrap, PLLC**

221 West Sixth Street, Suite 960  
 Austin, TX 78701  
 Phone 512/476-2020 Fax 512/477-5267  
 www.fbhg.law

July 8, 2021

Freedom From Religion Foundation  
 c/o Richard L. Bolton  
 Boardman & Clark, LLP  
 1 S. Pinckney Street, Suite 410  
 P.O. Box 927  
 Madison, WI 53701-0927

Invoice# 119968 DHB  
 Our file# 062640 00001  
 Billing through 06/30/2021

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 7, 2021	\$575.00
Payments received since last invoice	0.00
Accounts receivable balance carried forward	<u>\$575.00</u>

**PROFESSIONAL SERVICES**

06/15/21	DHB	Memo to Richard re: fee application strategy;	0.20 hrs	115.00
06/22/21	DHB	Memos to Richard Bolton re: developments; review order;	0.20 hrs	115.00
				<u>\$230.00</u>

**FEE RECAP**

Byrne, Dan H.	0.40 hrs	575.00 /hr	<u>230.00</u>
TOTAL FEES FOR THIS MATTER			\$230.00

**BILLING SUMMARY**

Total professional services	<u>\$230.00</u>
Total of new charges for this invoice	<u>\$230.00</u>
Plus net balance forward	<u>\$575.00</u>
<b>Total balance now due</b>	<b><u>\$805.00</u></b>

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062640 Freedom From Religion Foundati

Invoice# 120611 Page 2

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